

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MELODRAMA PUBLISHING LLC,

Plaintiff,

- against -

K.S. PUBLICATIONS and
KIKI SWINSON,

Defendants.

USDS SDNY
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10 Civ. 9406 (RJS)

**AMENDED CASE
MANAGEMENT PLAN
AND SCHEDULING ORDER**

RICHARD J. SULLIVAN, District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. No additional parties may be joined after March 31, 2011 except with leave of the Court.
4. Amended pleadings may not be filed after March 31, 2011 except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) shall be completed no later than March 31, 2011.
6. All *fact* discovery is to be completed no later than October 21, 2011.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 6 above.

- a. Initial requests for production of documents shall be served by March 31, 2011.
 - b. Interrogatories shall be served by April 15, 2011.
 - c. Depositions shall be completed by October 21, 2011.
 - i. Absent an agreement between the parties or an order from the Court, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as a plaintiff or a defendant.
 - iii. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
 - d. Requests to Admit shall be served no later than December 23, 2011.
8. Objections, if any to the parties' document productions and deposition testimony shall be brought to the Court's attention no later than October 28, 2011.
 9. All *expert* disclosures, including reports, production of underlying documents, and depositions shall be completed pursuant to the following deadlines:
 - a. Expert(s) of Plaintiff(s): December 23, 2011.
 - b. Expert(s) of Defendant(s): December 23, 2011.
 10. All discovery shall be completed no later than December 23, 2011.
 11. The Court will conduct a post-discovery conference on January 13, 2012 @ 9:30 a.m.
 12. If either party contemplates a motion, the post-discovery conference will function as a pre-motion conference. Pre-motion letters are to be submitted by December 23, 2011. Pursuant to Rule 2.A of the Court's Individual Practices, responses to pre-motion letters are to be submitted within three business days from the date of service of the initial pre-motion letter. Pre-motion letters and responses shall be submitted to the chambers' email address at sullivanysdchambers@nysd.uscourts.gov.
 13. If neither party contemplates a dispositive motion, the post-discovery conference will function as a pre-trial conference at which a trial date will be set.

14. Counsel for the parties request a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request

a. x Referral to a Magistrate Judge for settlement discussions

b. x Referral to the Southern District's Mediation Program

The parties are to contact N/A by _____.

15. In furtherance of their settlement discussions, the parties will conduct a forensic accounting of the Plaintiff and its affiliates. The parties expect that this accounting will be completed by April 29, 2011.
16. The parties have conferred and their present best estimate of the length of trial is 1-4 days.

SO ORDERED.

DATED: September 16, 2011
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE